

**Amend Section 1808.4 of the Vehicle Code to make confidential the home address of specified Board Investigations Division staff to increase their efficiency and personal safety.**

**Source: Investigations Division**

Under existing law, Section 15604 of the Government Code requires the Board to enforce the tax laws of the State of California. Specific tax law enforcement authority is contained throughout the Revenue and Taxation Code, including, but not limited to, the Sales and Use Tax Law, Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, and the Diesel Fuel Tax Law.

Currently, all criminal tax fraud investigations are conducted by investigators in the Board's Investigations Division (ID). The staff investigates suspected criminal violations in the Sales and Use Tax Law, the Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, and the Diesel Fuel Tax Law, and identifies criminal suspects for prosecution.

The Board does not furnish state vehicles to ID investigators. A rental car is normally used by ID investigators conducting field work. On occasion, for efficiency, Board investigators volunteer to use their personal vehicle to conduct a specific investigative activity; for example, to make an undercover purchase of contraband cigarettes, or conduct interviews with suspects and/or witnesses.

Under existing Vehicle Code Sections 1800-1825, the Department of Motor Vehicles is required to keep a record of each vehicle registered, to whom the vehicle is registered and their place of residence. With exceptions identified in Section 1804, the DMV may release all or part of this information for various governmental and commercial purposes.

This proposal would provide protection against the release of home address information, as defined in Vehicle Code Section 1804, thereby enhancing the personal safety of Board investigators and their immediate family members. Vehicle Code Section 1808.4 provides home address protection for various classes of individuals, including peace officers identified under Chapter 4.5 of the Penal Code and other specified investigators. Current law does not provide home address protection for Board investigators. Specifically, Board investigator inclusion in Vehicle Code Section 1808.4 would limit access to their confidential home address to a court, a law enforcement agency, the State Board of Equalization, or any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the Department of Motor Vehicles.

*Section 1808.4 of the Vehicle Code is amended to read:*

1808.4. (a) The home address of any of the following persons, that appears in any record of the department, is confidential, if the person requests the confidentiality of that information:

- (1) Attorney General.
- (2) State public defender.
- (3) Members of the Legislature.
- (4) Judges or court commissioners.
- (5) District attorneys.
- (6) Public defenders.
- (7) Attorneys employed by the Department of Justice, the office of the State Public Defender, or a county office of the district attorney or public defender.
- (8) City attorneys and attorneys who submit verification from their public employer that they represent the city in matters that routinely place them in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if those attorneys are employed by city attorneys.
- (9) Nonsworn police dispatchers.
- (10) Child abuse investigators or social workers, working in child protective services within a social services department.
- (11) Active or retired peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.
- (12) Employees of the Department of Corrections, the Department of the Youth Authority, or the Prison Industry Authority specified in Sections 20017.77 and 20017.79 of the Government Code.
- (13) Nonsworn employees of a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes, who submit agency verification that, in the normal course of their employment, they control or supervise inmates or are required to have a prisoner in their care or custody.
- (14) County counsels assigned to child abuse cases.
- (15) Investigators employed by the Department of Justice, the Board of Equalization, a county district attorney, or a county public defender.
- (16) Members of a city council.
- (17) Members of a board of supervisors.
- (18) Federal prosecutors and criminal investigators and National Park Service Rangers working in this state.
- (19) Any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.
- (20) Any employee of a trial court.
- (21) Any psychiatric social worker employed by a county.

(22) Any police or sheriff department employee designated by the Chief of Police of the department or the sheriff of the county as being in a sensitive position. Any designation pursuant to this paragraph shall, for purposes of this section, remain in effect for three years subject to additional designations that, for purposes of this section, shall remain in effect for additional three-year periods.

(23) (A) The spouse or child of any person listed in paragraphs (1) to (22), inclusive, regardless of the spouse's or child's place of residence.

(B) The surviving spouse or child of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in the line of duty.

(b) The confidential home address of any of the persons listed in subdivision (a) shall not be disclosed to any person, except for any of the following:

(1) A court.

(2) A law enforcement agency.

(3) The State Board of Equalization.

(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.

(5) Any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department.

(c) Any record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record. The home address shall be withheld from public inspection for three years following termination of office or employment except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph (23) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer. The department shall inform any person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

(d) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) of paragraph (23) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or the spouses or children of these persons is a felony.